

June 26, 2018

Mr. Bobby Oakes
Deputy Building Official, City of Houston
1002 Washington Ave.
Houston, TX 77002

RE: 419 Emancipation – Continued Use as an R Occupancy

Please accept the attached statement of intended use for the revised use and support for the continued use of the occupancy for the structure at 419 Emancipation, from the tenant Southwest Key Programs.

Please note, that per our discussion, the existing Certificate of Occupancy is classified as a Group R-1 occupancy and the tenant would like to modify their statement of intended use of the building to ensure they comply with the limitations of the R-1 occupancy. The limitations set forth in the revised intended use statement attached, are specifically that the building would be occupied as a Congregate Living Facility on a transient basis as defined in the code.

Furthermore, the tenant has agreed to limit the minimum age of the occupants accepted by the facility to 3 years of age or older. This exceeds the code limitation of 2 ½ years that is expressed specifically in the Building Code and further explained in the International Code Council commentary as being capable of self-evacuating in an emergency situation.

As a reminder the residents are not restrained or detained and have free egress; the residents will not be provided medical, acute or custodial care as defined in the code, the care that will be provided will meet the definition of personal care.

The 2012 Houston Building Code, classifies an R-1 occupancy as follows:

310.3 Residential Group R-1. Residential occupancies containing *sleeping units* where the occupants are primarily *transient* in nature, including:
Boarding houses (transient) with more than 10 occupants
Congregate living facilities (transient) with more than 10 occupants

The applicable defined terms referenced in this section/these provisions are:

BOARDING HOUSE. A building arranged or used for **lodging for compensation**, with or without meals, and not occupied as a single-family unit.

CONGREGATE LIVING FACILITIES. A *building* or part thereof that contains *sleeping units* where residents share bathroom and/or kitchen facilities.

INCAPABLE OF SELF-PRESERVATION. Persons because of age, physical limitations, mental limitations, chemical dependency, or medical treatment who cannot respond as an individual to an emergency situation.

CUSTODIAL CARE. Assistance with day-to-day living tasks; such as assistance with cooking, taking medication, bathing, using toilet facilities and other tasks of daily living. Custodial care include occupants who evacuate at a slower rate and/or who have mental and psychiatric complications.

PERSONAL CARE SERVICE. The care of persons who do not require *medical care*. Personal care involves responsibility for the safety of the persons while inside the building.

TRANSIENT. Occupancy of a dwelling unit or sleeping unit for not more than 30 days.

I trust this information addresses any classification concerns of an I-Occupancy. The licensing application will be revised to coordinate the information contained herein. According to the tenant, they will likely submit plans for a change in use to the I occupancy to expand the acceptance of the younger residents in the near future.

Again, thank you for your time and consideration.



LISA F. BROWN, CPM, CFM
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Enclosure: Statement of Intended Use – Southwest Key Programs